

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

**NATIONAL SURETY  
CORPORATION,**

**Plaintiff,**

**vs.**

**DUSTEX CORPORATION; MIRON  
CONSTRUCTION CO., INC.; and  
BOARD OF TRUSTEES OF THE  
MUNICIPAL ELECTRIC UTILITY  
OF THE CITY OF CEDAR FALLS,  
IOWA,**

**Defendants.**

**No. C13-2004**

**ORDER EXTENDING DEADLINES**

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This matter comes before the Court on the Motion for Extension of Time to Complete Discovery and to Resist Plaintiff's Motion for Summary Judgment (docket number 41) filed by Defendant Dustex Corporation ("Dustex") on July 31, 2013; the Consent Motion to Extend Deadline (docket number 45) filed by Defendants Dustex and Miron Construction Co., Inc. ("Miron"), and Plaintiff National Surety Corporation ("NSC") on August 9, 2013; and the Status Update and Consent to Vacate August 21 Deadline (docket number 47) filed by Dustex, Miron, and NSC on August 16, 2013.

On May 1, 2013, NSC filed a motion for summary judgment against Miron. The next day, May 2, NSC filed a motion for summary judgment against Dustex. At the request of Dustex and Miron, and to allow appropriate discovery, the Court extended the deadline to respond to NSC's motions for summary judgment to August 21, 2013.

On July 31, Dustex filed its first motion for extension, asking that the deadline to complete appropriate discovery and resist the motion for summary judgment be extended to September 23, 2013. Because of the upcoming deadline, Dustex requested expedited consideration. Accordingly, the Court ordered NSC to respond to the motion for extension not later than August 9. NSC did not file a response to the motion. Instead, Dustex, Miron, and NSC filed a consent motion to extend the deadline. Among other things, the parties advised the Court that they anticipated being able to provide a proposed schedule no later than August 16 for filing appropriate resistances and replies.

The parties did not, however, provide the Court with the proposed schedule. Instead, the parties filed a “status update” on August 16, stating that they had been unable to reach an agreement in that regard. A discovery deposition is scheduled on October 9 and the parties anticipate conferring within the next two weeks to schedule a Rule 30(b)(6) deposition. Rather than propose specific deadlines, the parties “request that the opposition be due fourteen (14) days after Miron and Dustex’s receipt of the transcript from the Rule 30(b)(6) deposition,” within NSC’s reply briefs due 30 days after receipt of the resistances.

The Court believes that definite deadlines should be established. The deposition of Mr. McCoy has been scheduled for October 9. The Court presumes a Rule 30(b)(6) deposition can be conducted by that time. Defendants’ resistances to the motions for summary judgment will be due not later than November 15. NSC’s replies will be due not later than December 15.

### **ORDER**

IT IS THEREFORE ORDERED that the Motion for Extension of Time (docket number 41) and the Motion to Extend Deadline (docket number 45) are **GRANTED** as follows:

1. The deadline for Dustex and Miron to respond to NSC’s motions for summary judgment is **EXTENDED** to **November 15, 2013**.

2. NSC must file its replies, if any, not later than **December 15, 2013**.

DATED this 19th day of August, 2013.



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JON STUART SCOLES  
CHIEF MAGISTRATE JUDGE  
NORTHERN DISTRICT OF IOWA